

09/02/03



Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Case Docket No.: CARL-1 CON

00746 U.S. PTO
10/653692
09/02/03

Sir:

Transmitted herewith for filing is the patent application of:

Inventor: Allen Carl
For: SELECTIVE DELIVERY OF CRYOGENIC ENERGY TO INTERVERTEBRAL DISC TISSUE AND
RELATED METHODS OF INTRADISCAL HYPOTHERMIA THERAPY

Enclosed are:

- ☒ 10 sheets of drawings.
- ☐ An assignment of the invention to: _____
- ☐ A verified statement to establish small entity status.
- ☒ REQUEST FOR FILING RULE 1.53(B) CONTINUATION APPLICATION.

The filing fee has been calculated as shown below:

Small Entity				Large Entity		
For:	No. Filed	No. Extra	Rate	Fee	Rate	Fee
Basic Fee				\$375.00		\$750.00
Total Claims	39 - 20	19	x \$ 9.00	\$171.00	x \$18.00	0.00
Ind. Claims	6 - 3	3	x \$42.00	\$126.00	x \$ 84.00	84.00
Mult. Claims			+ \$140.00		+ \$280.00	
Total				\$672.00	Total	\$834.00

- ☐ Please charge my Deposit Account No. 16-0221 to cover the filing fee and assignment recording fee. A duplicate copy of this sheet is enclosed.
- ☐ A check in the amount of \$_____ to cover the filing fee (and assignment recording fee) is enclosed.
- ☐ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 16-0221. A duplicate copy of this sheet is enclosed.
 - ☐ Any additional filing fees required under 37 CFR 1.16.
 - ☐ Any patent application processing fees under 37 CFR 1.17.
- ☐ The Commissioner is hereby authorized to charge payment of the following fees during the pendency of this application or credit any overpayment to Deposit Account No. 16-0221. A duplicate copy of this sheet is enclosed.
 - ☐ Any patent application processing fees under 37 CFR 1.17.
 - ☐ The issue fee set in 37 CFR 1.18 at or before mailing of the Notice of Allowance, pursuant to 37 CFR 1.311(b).
 - ☐ Any filing fees under 37 CFR 1.16 for presentation of extra claims.

Respectfully submitted,

James A. Sheridan 09/02/2003

James A. Sheridan
Pandiscio & Pandiscio
470 Totten Pond Road
Waltham, Massachusetts 02154
Tel. (781) 290-0060

KK/CARL1CON.FEE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing is the patent application of:

Inventor: Allen Carl
For: SELECTIVE DELIVERY OF CRYOGENIC ENERGY TO INTERVERTEBRAL DISC TISSUE AND
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 - ☐ Any patent application processing fees under 37 CFR 1.17.
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Respectfully submitted,

James A. Sheridan 09/02/2003

James A. Sheridan
Pandiscio & Pandiscio
470 Totten Pond Road
Waltham, Massachusetts 02154
Tel. (781) 290-0060

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE REQUESTED FILING OF RULE 1.53(B)
CONTINUATION PATENT APPLICATION BASED ON
THE FOLLOWING PENDING PRIOR PATENT APPLICATION:

In re Application of: Allen Carl
Serial No.: 10/016,266
Filing Date: 10/30/2001
Title: SELECTIVE DELIVERY OF CRYOGENIC ENERGY
TO INTERVERTEBRAL DISC TISSUE AND
RELATED METHODS OF INTRADISCAL
HYPOTHERMIA THERAPY
Group Art Unit: 3739
Examiner: Michael F. Peffley
Attorney's Docket No.: CARL-1

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

FILING OF PATENT APPLICATION UNDER 37 CFR 1.10

The attached Rule 1.53(B) continuation application is being
filed under the provisions of 37 CFR 1.10.

"EXPRESS MAIL" MAILING LABEL NUMBER ER095321626US

DATE OF DEPOSIT September 2, 2003

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED
WITH THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL POST
OFFICE TO ADDRESSEE" SERVICE UNDER 37 CFR 1.10 ON THE
DATE INDICATED ABOVE AND IS ADDRESSED TO: COMMISSIONER
FOR PATENTS, PO BOX 1450, ALEXANDRIA, VA 22313-1450.

James A. Sheridan

(PERSON MAILING)

James A. Sheridan 09/02/2003
(SIGNATURE)

Respectfully submitted,

James A. Sheridan 09/02/2003

James A. Sheridan
Registration No. 43,114
Pandiscio & Pandiscio
470 Totten Pond Road
Waltham, MA 02154
Tel. (781) 290-0060

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE REQUESTED FILING OF RULE 1.53(B)
CONTINUATION PATENT APPLICATION BASED ON
THE FOLLOWING PENDING PRIOR PATENT APPLICATION:

In re Application of: Allen Carl
Serial No.: 10/016,266
Filing Date: 10/30/2001
Title: SELECTIVE DELIVERY OF CRYOGENIC ENERGY
TO INTERVERTEBRAL DISC TISSUE AND
RELATED METHODS OF INTRADISCAL
HYPOTHERMIA THERAPY
Group Art Unit: 3739
Examiner: Michael F. Peffley
Attorney's Docket No.: CARL-1

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REQUEST FOR FILING RULE 1.53(B) CONTINUATION APPLICATION

This is a request for filing a continuation application, in accordance with Rule 1.53(B), of pending prior application Serial No. 10/016,266, filed 10/30/01 by Allen Carl for SELECTIVE DELIVERY OF CRYOGENIC ENERGY TO INTERVERTEBRAL DISC TISSUE AND RELATED METHODS OF INTRADISCAL HYPOTHERMIA THERAPY.

Submitted with this request are the following:

1. A true copy of said prior application Serial No. 10/016,266 (including specification, claims, and drawings);
2. A true copy of (i) a NOTICE TO FILE MISSING PARTS OF APPLICATION - FILING DATE GRANTED, (ii) a RESPONSE TO THE NOTICE TO FILE MISSING PARTS OF APPLICATION, (iii) a DECLARATION - USA PATENT APPLICATION listing the name of the inventor and signed by the inventor Allen Carl, specifically identifying the parent of this application by serial number and date;

CARL-1 CON

3. An AFFIDAVIT by the undersigned attorney of record verifying that the enclosed copy of said pending prior application Serial No. 10/016,266 is a complete and true copy;

4. A true copy of a POWER OF ATTORNEY form and CHANGE OF CORRESPONDENCE ADDRESS as filed;

5. A PRELIMINARY AMENDMENT which amends the application to show that it is a continuation of parent application Serial No. 10/016,266, filed 10/30/01 by Allen Carl for SELECTIVE DELIVERY OF CRYOGENIC ENERGY TO INTERVERTEBRAL DISC TISSUE AND RELATED METHODS OF INTRADISCAL HYPOTHERMIA THERAPY; and

6. A mailing certificate indicating that this submittal is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on September 2, 2003 as provided for under 37 CFR 1.10.

The Power of Attorney in the pending prior application is to Pandiscio & Pandiscio, a firm composed of Nicholas A. Pandiscio, Registration No. 17293, Mark J. Pandiscio, Registration No. 30883, Scott R. Foster, Registration No. 20570, and James A. Sheridan, Registration No. 43114, or any of them, all of 470 Totten Pond Road, Waltham, MA 02451-1914 (Telephone No. 781-290-0060).

The inventor named in this continuation application is the same inventor named in the prior application Serial No. 10/016,266.

The Commissioner is also authorized to prepare a certified copy of said prior copending application if the same is deemed to be necessary and to charge the cost of same to Deposit Account No. 16-0221.

A duplicate copy of this letter is enclosed for filing in said prior copending application.

All communications in this matter should be addressed to:

Mark J. Pandiscio
Pandiscio & Pandiscio
470 Totten Pond Road
Waltham, Massachusetts 02154.

Thank you.

Respectfully submitted,

James A. Sheridan 09/02/03

James A. Sheridan
Registration No. 43,114
Pandiscio & Pandiscio
470 Totten Pond Road
Waltham, MA 02451-1914
Tel (781) 290-0060
Fax (781) 290-4840

KK/CARL1CON.REQ

CARL-1 CON

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE REQUESTED FILING OF RULE 1.53(B)
CONTINUATION PATENT APPLICATION BASED ON
THE FOLLOWING PENDING PRIOR PATENT APPLICATION:

In re Application of: Allen Carl
Serial No.: 10/016,266
Filing Date: 10/30/2001
Title: SELECTIVE DELIVERY OF CRYOGENIC ENERGY
TO INTERVERTEBRAL DISC TISSUE AND
RELATED METHODS OF INTRADISCAL
HYPOTHERMIA THERAPY
Group Art Unit: 3739
Examiner: Michael F. Peffley
Attorney's Docket No.: CARL-1


Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

AFFIDAVIT VERIFYING APPLICATION

Commonwealth of Massachusetts
County of Middlesex

I, James A. Sheridan, being duly registered to practice before the U.S. Patent and Trademark Office, and being duly sworn, depose and state that: I am attorney of record in the above-identified pending prior application Serial No. 10/016,266, filed 10/30/01, and that the enclosed application is a true and complete copy of the prior application Serial No. 10/016,266 as filed, and that no amendments referred to in the oath or declaration filed to complete the prior patent application Serial No. 10/016,266 introduced new matter therein.


James A. Sheridan
Registration No. 43,114

Sworn to before me this 2nd day of September, 2003.


Notary Public

My commission expires: 4/17/09

COPY

Salima A. Merani, J.D., Ph.D.
smerani@kmob.com

Assistant Commissioner for Patents
Washington, D.C. 20231
BOX PATENT APPLICATION

EL 901403575US

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

Attorney Docket No. : INTRIN.006A
Applicant : Allen Carl
For : SELECTIVE DELIVERY OF CRYOGENIC
ENERGY TO INTERVERTEBRAL DISC
TISSUE AND RELATED METHODS OF
INTRADISCAL HYPOTHERMIA THERAPY
Attorney : Gerard von Hoffmann
"Express Mail"
Mailing Label No. : EL 901403575 US
Date of Deposit : October 30, 2001

I hereby certify that the accompanying

Transmittal letter; specification in nineteen (19) pages; ten (10) sheets of
drawings; **UNSIGNED** Declaration and Power of Attorney in 0 pages; Check for
Filing Fee(s); Return Prepaid Postcard

are being deposited with the United States Postal Service "Express Mail Post Office to
Addressee" service under 37 CFR 1.10 on the date indicated above and are addressed to the
Assistant Commissioner for Patents, Washington, D.C. 20231.


Jose Colunga

H:\DOCS\SAM\SAM-1698.DOC:gcl
103001

ASSISTANT COMMISSIONER FOR PATENTS

WASHINGTON, D.C. 20231

ATTENTION: BOX PATENT APPLICATION

Sir:

Transmitted herewith for filing is the patent application of

Inventor: Allen Carl

For: **SELECTIVE DELIVERY OF CRYOGENIC ENERGY TO INTERVERTEBRAL DISC TISSUE AND
RELATED METHODS OF INTRADISCAL HYPOTHERMIA THERAPY**

Enclosed are:

(X) Ten (10) sheets of drawing.

(X) Return prepaid postcard.

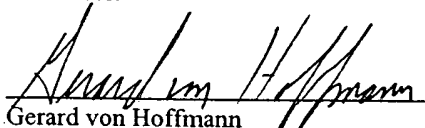
The present application qualifies for small entity status under 37 C.F.R. § 1.27. The fees are calculated below:

CLAIMS AS FILED				
FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE
Basic Fee			\$370	\$370
Total Claims	39 - 20 =	19 ×	\$9	\$171
Independent Claims	6 - 3 =	3 ×	\$42	\$126
If application contains any multiple dependent claims(s), then add			\$140	\$ 0
TOTAL FILING FEE				\$667

(X) A check in the amount of \$667.00 to cover the filing fee is enclosed.

(X) The Commissioner is hereby authorized to charge any additional fees which may be required, now or in the future, or credit any overpayment to Account No. 11-1410.

(X) Please use Customer No. 20,995 for the correspondence address.


Gerard von Hoffmann
Registration No. 33,043
Attorney of Record

COPY

Case Docket No. INTRIN.006A

Date: March 11, 2002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Allen Carl

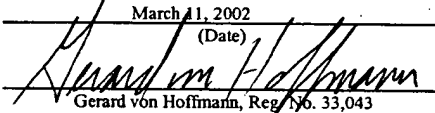
App. No. : 10/016,266

Filed : October 30, 2001

For : SELECTIVE DELIVERY OF
CRYOGENIC ENERGY TO
INTERVERTEBRAL DISC
TISSUE AND RELATED
METHODS OF
INTRADISCAL
HYPOTHERMIA THERAPY

Group Art Unit : 3762

) I hereby certify that this correspondence and all marked
) attachments are being deposited with the United States
) Postal Service as first class mail in an envelope addressed
) to: United States Patent and Trademark Office, P.O. Box
) 2327, Arlington, VA 22202, on

) March 11, 2002
) (Date)
) 
) Gerard von Hoffmann, Reg. No. 33,043

TRANSMITTAL LETTER

United States Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202

ATTENTION: BOX MISSING PARTS

Dear Sir:

In response to the Notice to File Missing Parts of Application Under 37 CFR 1.53(f), which was mailed by the Office on January 11, 2002, enclosed are:

- (X) An executed Declaration by Inventor(s).
- (X) A Notice to File Missing Parts.
- (X) Ten (10) sheets of informal drawings.
- (X) Return prepaid postcard.

PATENT

Case Docket No. INTRIN.006A

Date: March 11, 2002

(X) Fees as calculated below:

SURCHARGE 37 CFR 1.16(e)	\$ + 130
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TOTAL OF ABOVE CALCULATIONS	\$ 130
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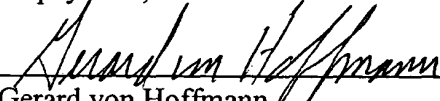
REDUCTION BY 1/2 FOR FILING BY SMALL ENTITY.

Note 37 CFR 1.9, 1.27, 1.28. If applicable, verified statement must be attached. \$ - 65

TOTAL FEES SUBMITTED HERewith	\$ 65
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(X) A check in the amount of \$65.00 to cover the above fees is enclosed.

(X) The Commissioner is hereby authorized to charge any additional fees which may be required, now or in the future, or credit any overpayment, to Account No. 11-1410.


Gerard von Hoffmann
Registration No. 33,043
Attorney of Record

COPY

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Allen Carl
Serial No.: 10/016,266
Filing Date: 10/30/01
For: SELECTIVE DELIVERY OF CRYOGENIC
ENERGY TO INTERVERTEBRAL DISC
TISSUE AND RELATED METHODS OF
INTRADISCAL HYPOTHERMIA THERAPY
INTRIN.006A/CARL-1

Attorney's Docket No.:

Date: April 18, 2002

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Enclosed please find a POWER OF ATTORNEY form and CHANGE OF
CORRESPONDENCE ADDRESS form relating to the above patent
application.

Thank you.

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED
WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL,
POSTAGE PREPAID, IN AN ENVELOPE ADDRESSED TO: ASSISTANT
COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231, ON:

APRIL 18, 2002

(DATE OF DEPOSIT)

MARK J. PANDISCIO

(NAME OF ATTORNEY)

Mark J. Pandiscio 4/18/02

(SIGNATURE)

4/18/02

(DATE OF SIGNATURE)

Respectfully submitted,

Mark J. Pandiscio 4/18/02

Mark J. Pandiscio
Reg. No. 30,883
Pandiscio & Pandiscio
470 Totten Pond Road
Waltham, MA 02451-1914
Tel. (781) 290-0060

KT/CARL1POA.TRA

CARL-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Allen Carl
Serial No.: 10/016,266
Filing Date: 10/30/2001
Title: SELECTIVE DELIVERY OF CRYOGENIC ENERGY
TO INTERVERTEBRAL DISC TISSUE AND
RELATED METHODS OF INTRADISCAL
HYPOTHERMIA THERAPY
Group Art Unit: 3739
Examiner: Michael F. Peffley
Attorney's Docket No.: CARL-1

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

SUBMISSION OF FORMAL DRAWINGS

Enclosed herewith please find the formal drawings for the above-identified patent application, consisting of Figs. 1-10 on ten (10) sheets of drawings.

In the event that any fee is required to be paid in connection with the present submission of formal drawings, please charge the cost of the same to Deposit Account No. 16-0221. A duplicate copy of this letter is enclosed for the convenience of the Patent and Trademark Office.

Thank you.

Respectfully submitted,

James A. Sheridan 9/02/03
James A. Sheridan
Registration No. 43,114

Pandiscio & Pandiscio
470 Totten Pond Road
Waltham, MA 02451-1914
Tel. (781) 290-0060
Fax (781) 290-4840

KK/CARL1CON.DRW

CARL-1 CON

Please type a plus sign (+) inside this box →



PTO/SB/122 (11-96)

Approved for use through 6/30/99. OMB 0651-0035

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

CHANGE OF CORRESPONDENCE ADDRESS Application Address to: Assistant Commissioner for Patents Washington, D.C. 20231	Application Number	10/016,266
	Filing Date	10/30/01
	First Named Inventor	Allen Carl
	Group Art Unit	3762
	Examiner Name	Unknown
	Attorney Docket Number	INTRIN.006A/CARL-1

Please change the Correspondence Address for the above-identified application to:

☐

Customer Number

Type Customer Number here

Place Customer
Number Bar Code
Label here

OR

<input checked="" type="checkbox"/> Firm or Individual Name	Mark J. Pandiscio		
Address	Pandiscio & Pandiscio		
Address	470 Totten Pond Road		
City	Waltham	State	MA ZIP 02451
Country	USA		
Telephone	(781) 290-0060	Fax	(781) 290-4840

This form cannot be used to change the data associated with a Customer Number. To change the data associated with an existing Customer Number use "Request for Customer Number Data Change" (PTO/SB/124).

I am the :

☐

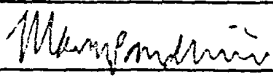
Applicant.

☐

Assignee of record of the entire interest.
 Certificate under 37 CFR 3.73(b) is enclosed.

☒

Attorney or agent of record .

Typed or Printed Name	Mark J. Pandiscio
Signature	 4/18/02
Date	April 18, 2002

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.